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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,715	07/20/2000	Hiroshi Niimi	FUJO 17.577	3322
26304 7590 02/22/2007 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER RYMAN, DANIEL J	
			ART UNIT	PAPER NUMBER
			2616	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/620,715	Applicant(s) NIIMI ET AL.	
	Examiner Daniel J. Ryman	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-14 is/are rejected.
- 7) ☒ Claim(s) 1,3,4,6,7,9-11 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-4 and 6-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 1 is objected to because of the following informalities: in lines 1-2, "distributing picture data from a distribution device to a plurality of receiving devices, comprising" should be "distributing picture data from one or more sources to a plurality of receiving devices using a distribution device, the system comprising" to specify the relationship between the newly claimed "sources" and the previously claimed "distribution device" (see the 35 U.S.C. § 112, second paragraph, rejections below); in line 5, "a distribution device" should be "the distribution device"; in line 5, "data via" should be "data from the one or more sources to the plurality of receiving devices via" to specify the relationship between the newly claimed "sources" and the previously claimed "distribution device"; in line 7, "a plurality" should be "the plurality"; in line 9, "allocation unit for allocating" should be "allocation unit allocating" since, as currently written, it is unclear whether Applicant is intending to invoke 35 U.S.C. § 112, sixth paragraph, by using a phrase similar to "means for" language; in line 16, "a part of" should be "a subset of" since "part of the logical channels" could be interpreted to mean a portion of an individual channel; and in line 18, "another part" should be "another subset". Appropriate correction is required.
3. Claim 3 is objected to because of the following informalities: in line 2, "determining a number" should be "determining the number". Appropriate correction is required.

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4. Claim 4 is objected to because of the following informalities: in line 2, “an allocation” should be “the allocation” and, in line 2, “bands” should be “bandwidth”. Appropriate correction is required.

5. Claim 6 is objected to because of the following informalities: in line 3, “bands” should be “bandwidth”. Appropriate correction is required.

6. Claim 7 is objected to because of the following informalities: in line 3, “bands” should be “bandwidth”. Appropriate correction is required.

7. Claim 9 is objected to because of the following informalities: in line 2, “from a distribution device” should be “from one or more sources” to specify the relationship between the newly claimed “sources” and the previously claimed “distribution device” (see the 35 U.S.C. § 112, second paragraph, rejections below); in line 5, “a plurality” should be “the plurality”; in lines 5-7, “receiving devices with a function to receive picture data from a logical channel designated by a receiving instruction via a logical channel designated by a distribution instruction” should be “receiving devices via a logical channel designated by a distribution instruction, the picture data being received by the receiving devices with a function to receive picture data from a logical channel designated by a receiving instruction”; in line 15, “part of” should be “subset of”; and in line 17, “another part” should be “another subset”. Appropriate correction is required.

8. Claim 10 is objected to because of the following informalities: in lines 2-3, “data from a distribution device” should be “data using a distribution device from one or more sources to a plurality of receiving devices” to specify the relationship between the newly claimed “sources” and the previously claimed “distribution device” (see the 35 U.S.C. § 112, second paragraph,

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rejections below); in line 8, “a distribution device” should be “the distribution device”; in line 15, “a part” should be “a subset”; and in line 17, “another part” should be “another subset”.

Appropriate correction is required.

9. Claim 11 is objected to because of the following informalities: in line 2, “a distribution device” should be “one or more sources” and “devices, comprising” should be “devices using a distribution device, comprising” to specify the relationship between the newly claimed “sources” and the previously claimed “distribution device” (see the 35 U.S.C. § 112, second paragraph, rejections below); in line 3, “a fixed-length frame composed” should be “fixed-length frames each composed” to match to verb “are transmitted”; in line 8, “a plurality: should be “the plurality”; in line 17, “a part” should be “a subset”; and in line 19, “another part” should be “another subset”. Appropriate correction is required.

10. Claim 13 is objected to because of the following informalities: in line 2, “a distribution device” should be “one or more sources” and “devices, comprising” should be “devices, using a distribution device, comprising” to specify the relationship between the newly claimed “sources” and the previously claimed “distribution device” (see the 35 U.S.C. § 112, second paragraph, rejections below); in line 8, “a plurality of receiving devices receiving” should be “receiving by the plurality of receiving devices” to turn this limitation into a method step; in line 14, “a part” should be “a subset”; and in line 16, “another part” should be “another subset”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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12. Claims 1-4 and 6-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

13. Independent claims 1, 9, 10, 11, and 13 have been amended to recite: "allocating respective bandwidth . . . according to a number of sources for picture data." The claims also recite "distributing picture data from a distribution device" in the preamble of each of these claims. It is unclear whether the distribution device is also a source of picture data, or whether the distribution device and the sources of picture data are distinct devices. Examiner suggests amending these claims in line with the amendments proposed with respect to the claim objections above, which clearly differentiate between the sources and the distribution device.

Allowable Subject Matter

14. Claims 1-4 and 6-14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. The prior art does not disclose or fairly suggest allocating a predetermined first bandwidth to each logical channel when the number of sources for picture data to be transmitted does not exceed a predetermined threshold number, and when the number of sources for picture data to be transmitted exceeds the threshold number, allocating the first bandwidth to each of a subset of the logical channels and a predetermined second bandwidth, which is obtained by dividing the first bandwidth by a predetermined integer, to each of another subset of the logical channels. While Astle et al (USPN 6,396,816), of record, discloses allocating bandwidth according to a number of sources of picture data (where the system determines "the number of terminals seeking to transmit," i.e. number of sources of picture data, col. 8, lines 26-31, and uses this number in the allocation of bandwidth,

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col. 8, lines 35-64), Astle fails to disclose that the second bandwidth is a predetermined bandwidth, which is obtained by dividing the first bandwidth by a predetermined integer.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 8:00am-4:30pm.

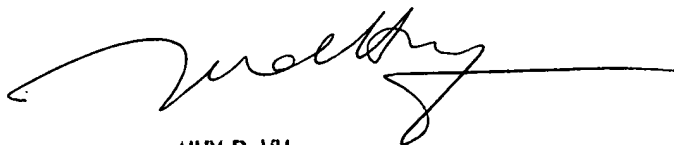
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel J. Ryman
Examiner
Art Unit 2616

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